

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM

MAR 15 2006

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00087

DATE: March 15, 2006

HON. JAMES L. ROBART, Designated Judge

Law Clerk: NONE PRESENT

Court Reporter: Wanda Miles

Courtroom Deputy: Leilani Toves Hernandez / Virginia T. Kilgore

Hearing Electronically Recorded: 9:51:05 - 9:58:52

CSO: B. Benavente / J. Lizama

***** APPEARANCES *****

DEFT: **MCCARTHY OCAYA CARTER**

ATTY: **HOWARD TRAPP**

(X) PRESENT (X) CUSTODY () BOND () P.R.

(X) PRESENT (X) RETAINED () FPD () CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT: KEN TORRES, A.T.F.

U.S. PROBATION: MARIA CRUZ

U.S. MARSHAL: C. MARQUEZ

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level:

Total offense level: 10

Criminal History Category: VI

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Counsel had no objections to the sentencing recommendation

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Government moved for an Order of Forfeiture in CV-04-00008, in the amount of \$113,102.00 - Granted.

SENTENCE: CR-05-00087

DEFENDANT: MCCARTHY OCAYA CARTER

- (X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF TIME SERVED.
- (X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF ONE YEAR.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.
2. DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. HE SHALL SUBMIT TO UP TO EIGHT DRUG TESTS A MONTH FOR USE OF A CONTROLLED SUBSTANCE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
3. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. SENTENCING COMMISSION AND UNDER 18 U.S.C. § 3583.
5. DEFENDANT SHALL BE PROHIBITED FROM POSSESSING A FIREARM OR OTHER DANGEROUS WEAPON.
6. DEFENDANT SHALL REFRAIN FROM THE USE OF ALL ALCOHOLIC BEVERAGES.
7. DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR SUBSTANCE ABUSE, WHICH PROGRAM MAY INCLUDE TESTING TO DETERMINE WHETHER HE HAS REVERTED TO THE USE OF DRUGS OR ALCOHOL. THE DEFENDANT SHALL ALSO MAKE CO-PAYMENT FOR THE PROGRAM AT A RATE TO BE DETERMINED BY THE U.S. PROBATION OFFICE.
8. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.

PURSUANT TO U.S.S.G. SECTION 5E1.2(e), ALL FINES ARE WAIVED SINCE IT HAD BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

DEFENDANT WAS ORDERED PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS. COURT ORDERS THAT A COMPLETE AND CORRECTED COPY OF THE PRESENTENCE REPORT BE PREPARED FOR THE BUREAU OF PRISONS AND THE U.S. SENTENCING COMMISSION.

DEFENDANT WAS RELEASED TO THE U.S. MARSHALS SERVICE FOR PROCESSING.

Courtroom Deputy: 